

**SENATE JOURNAL  
63RD LEGISLATURE  
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 15, 2013

Senate Chambers  
State Capitol

Senate convened at 1:01 p.m. President Pro Tempore Debby Barrett presiding. Invocation by Reverend Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Mr. President, excused. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair):

3/15/2013

Correctly printed: **SB 348, SB 376, SB 385, SJR 14, SR 16, HB 206, HB 245, HB 251, HB 325, HB 368, HB 371, HJR 2.**

Correctly engrossed: **SB 260, HB 22, HB 65, HB 256, HB 273, HB 347, HB 367, HB 399, HB 469.**

Correctly enrolled: **SB 12, SB 23, SB 92, SB 145, SR 10, SJR 3, SJR 6.**

Examined by the sponsor and found to be correct: **SB 12, SB 23, SB 41, SB 86, SB 92, SB 145, SB 211, SB 213, SJR 3, SJR 6.**

Transmitted to the House: **HB 59, HB 252, HB 270, HB 317, HB 318, HB 463.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Sonju, Chair):

3/15/2013

**HB 22**, be amended as follows:

1. Title, page 1, line 20.

**Following:** "BUSINESS;"

**Insert:** "ELIMINATING THE REQUIREMENT THAT INSURERS AND HEALTH SERVICE CORPORATIONS OFFER GROUP UNIFORM HEALTH BENEFIT COVERAGE;"

2. Title, page 1, line 22.

**Strike:** "33-20-509, 33-20-903,"

3. Page 20, line 26 through page 21, line 28.

**Strike:** sections 17 and 18 in their entirety

**Renumber:** subsequent sections

4. Page 1, line 23.

**Following:** "MCA;"

**Insert:** "REPEALING SECTION 33-22-522, MCA;"

5. Page 31.

**Following:** line 22

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**Insert:** "NEW SECTION. Section 22. Repealer. The following section of the Montana Code Annotated is repealed:

33-22-522. Uniform health benefit plan -- group."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**HB 65**, be amended as follows:

1. Title, page 1, lines 17 through 19.

**Strike:** "PROVIDING" on line 17 through "ACT;" on line 19

2. Page 2, lines 11 through 13.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

3. Page 3, line 15.

**Strike:** "to immediate family members"

4. Page 10, line 26 through page 11, line 3.

**Strike:** section 15 in its entirety

**Renumber:** subsequent sections

5. Page 11, line 11.

**Strike:** "[Sections 14 and 15] are"

**Insert:** "[Section 14] is"

6. Page 11, line 12.

**Strike:** "[sections 14 and 15]"

**Insert:** "[section 14]"

And, as amended, be concurred in. Report adopted.

**HB 232**, be concurred in. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Olson, Chair):

3/14/2013

**HB 226**, be concurred in. Report adopted.

**HB 256**, be amended as follows:

1. Page 2, line 20.

**Following:** "availability of the"

**Insert:** "draft"

2. Page 2, line 21 through line 22.

**Strike:** "required" on line 21 through "(5)(a)" on line 22

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**Insert:** "the department's preferred alternative facility siting corridor"

3. Page 2, line 22.

**Strike:** "The"

**Insert:** "No more than 60 days prior to the availability of the draft environmental review, the"

**Strike:** "EACH"

**Insert:** "the"

**Strike:** "OWNER"

**Insert:** "owners"

4. Page 2, line 23.

**Strike:** "The"

**Insert:** "Except as provided in subsection (5)(c), the"

5. Page 2, line 24.

**Strike:** "certified"

**Insert:** "first-class"

6. Page 2, line 26.

**Following:** "within the"

**Insert:** "department's preferred alternative"

7. Page 2.

**Following:** line 30

**Insert:** "(c) If there is more than one name listed on the property tax rolls for a single property, the notice must be mailed to the first listed property owner at the address on the property tax rolls.

(d) By mailing the notice as provided in subsection (5)(c), the notice requirements in subsection (5)(b) are satisfied."

**Renumber:** subsequent subsections

8. Page 3, line 2.

**Following:** "75-20-301."

**Insert:** "If the department determines that it will select a facility siting corridor that is completely or partially different from the preferred alternative facility siting corridor described in the draft environmental review, it shall, before issuing the certificate, provide notice of its intended facility siting corridor and an opportunity to comment to property owners within the 1-mile-wide facility siting corridor that deviates from the preferred alternative. Property owners must be determined and notice must be given in the same manner as provided in subsection (5)(b)."

And, as amended, be concurred in. Report adopted.

**HJR 11**, be concurred in. Report adopted.

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**FISH AND GAME** (Brenden, Chair):

3/14/2013

**SB 260**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "FOR"

**Insert:** "CERTAIN"

2. Page 1, line 20 through line 21.

**Strike:** "large predator, as defined in 87-1-217,"

**Insert:** "mountain lion"

3. Page 1, line 22.

**Strike:** "number"

**Insert:** "commission may designate the percentage"

4. Page 1, line 23.

**Following:** "area"

**Insert:** ", "

**Strike:** "may"

**Following:** "not"

**Insert:** "to"

**Strike:** "35%"

**Insert:** "20%"

And, as amended, do pass. Report adopted.

**HB 278**, be concurred in. Report adopted.

**HB 360**, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Arntzen, Chair):

3/14/2013

**SR 15**, be adopted. Report adopted.

**JUDICIARY** (Murphy, Chair):

3/15/2013

**HB 16**, be concurred in. Report adopted.

**HB 72**, be concurred in. Report adopted.

**HB 140**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate:

3/14/2013

**SB 12**, introduced by Lewis

**SB 23**, introduced by Rosendale

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**SB 92**, introduced by Olson  
**SB 145**, introduced by F. Moore

**Senate joint resolutions** concurred in and returned to the Senate: 3/14/2013

**SJR 3**, introduced by Murphy  
**SJR 6**, introduced by Olson

**House bill** passed and transmitted to the Senate for concurrence: 3/14/2013

**HB 542**, introduced by Curtis

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 386**, introduced by Facey, referred to Local Government.  
**SB 387**, introduced by Debby Barrett, referred to Judiciary.  
**SB 388**, introduced by Hamlett, Olson, Rosendale, referred to Taxation.  
**SB 389**, introduced by Hamlett, Larsen, Olson, Rosendale, Sesso, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

**HB 403**, introduced by Hill, Murphy, referred to Judiciary.  
**HB 498**, introduced by Hill, Noonan, referred to State Administration.  
**HB 542**, introduced by Curtis, referred to Highways and Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Augare in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 469** - Senator Jackson moved **HB 469** be concurred in.

**HB 469** - Senator Wittich moved **HB 469**, second reading copy, be amended as follows:

1. Page 1, line 9.

**Following:** "disputes."

**Insert:** "(1)"

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2. Page 1, line 12.

**Insert:** "(2) The provisions of subsection (1) do not prohibit a party from substituting a bond for the construction lien as provided in 71-3-551. Upon the filing of the bond, the construction lien is discharged as provided in 71-3-552. The parties may continue with arbitration if they agree to do so."

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mr. President.  
Total 1

**HB 469** - Senator Jackson moved **HB 469**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.  
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Hamlett, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 19

Absent or not voting: None.  
Total 0

Excused: Mr. President.  
Total 1

**HB 399** - Senator Sales moved **HB 399** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T.

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Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich.

Total 44

Nays: Blewett, Sales, Sesso, Vuckovich, Wanzenried.

Total 5

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HB 273** - Senator Van Dyk moved **HB 273** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HB 347** - Senator Buttrey moved **HB 347** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 49

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HB 367** - Senator Keane moved **HB 367** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 45

Nays: Sonju, Vincent, Walker, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HB 224** - Senator Buttrey moved **HB 224** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 48

Nays: Tropila.

Total 1

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HB 330** - Senator Jent moved **HB 330** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

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Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mr. President.  
Total 1

**HB 333** - Senator Jergeson moved **HB 333** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mr. President.  
Total 1

**SJR 20** - Senator Webb moved **SJR 20** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.  
Total 44

Nays: Keane, Ripley, Rosendale, Sesso, Wittich.  
Total 5

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Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Debby Barrett presiding. Chair Augare moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 376** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 49

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HB 351** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HB 206** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 36

Nays: Boulanger, Caferro, Driscoll, Larsen, Priest, Sales, Sesso, Sonju, Tropila, Vincent, Walker, Webb, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

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**SPECIAL ORDERS OF THE DAY**

**SR 10** - Senator Vincent moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 10**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mr. President.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, March 16, 2013, the fifty-seventh legislative day. Motion carried.

Senate adjourned at 1:49 p.m.

MARILYN MILLER  
Secretary of the Senate

DEBBY BARRETT  
President Pro Tempore of the Senate